

IN THE MATTER OF

SCHERING CORPORATION

CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATION OF
SECS. 5 AND 12 OF THE FEDERAL TRADE COMMISSION ACT

Docket 9232. Complaint, Sept. 22, 1989--Decision, Oct. 31, 1994

This consent order prohibits, among other things, a New Jersey manufacturer of the diet product, Fibre Trim, from claiming that any food, food supplement, or drug product provides any appetite suppressant, weight loss, weight control, or weight maintenance benefit without possessing and relying upon competent and reliable scientific evidence to substantiate the claim.

Appearances

For the Commission: *Theodore H. Hoppock and Susan Cohn.*

For the respondent: *Joni Lupovitz, Amy E. Hancock, Albert W. Shay, James H. Sneed and Paul J. Pantano, McDermott, Will & Emery, Washington, D.C.*

COMPLAINT

The Federal Trade Commission, having reason to believe that Schering Corporation ("respondent"), a corporation, has violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, alleges:

PARAGRAPH 1. Respondent Schering Corporation is a New Jersey corporation, with its office and principal place of business located at 2000 Galloping Hill Road, Kenilworth, New Jersey.

PAR. 2. Respondent has advertised, offered for sale, sold and distributed Fibre Trim to the public as a high fiber supplement, and a weight loss and weight control aid.

PAR. 3. For the purposes of Section 12 of the Federal Trade Commission Act, 15 U.S.C. 52, Fibre Trim is a drug or food as defined in Section 15 of the Act, 15 U.S.C. 55.

PAR. 4. The acts or practices of respondent alleged in this complaint have been in or affecting commerce.

PAR. 5. Typical of respondent's advertisements and promotional materials, but not necessarily all-inclusive thereof, are the attached Exhibits A through H. The aforesaid advertisements and promotional materials contain the following statements:

1. "One of the best sources of dietary fiber is Fibre Trim - the safe, all natural aid to weight control developed in Scandinavia." [Exhibit A]
2. "High Fiber Supplement" [Exhibit B]
3. "[Serving size] 5 Fibre Trim Diet Tabs with 8 oz. water, Calories: 5, Dietary fiber (grams): 2.35. [Exhibit G]
4. "Because Fibre Trim extracts its fiber from two food sources, citrus and grain, it too, is an excellent source of both soluble and insoluble fibers." [Exhibit G]
5. "And Fibre Trim even offers you all of fiber's wonderful health benefits as well." [Exhibit E]
6. "Healthy Reasons to take FIBRE TRIM." [Exhibit H]
7. "If your diet has been low in fiber, you may take a few days to adjust to the healthier level of dietary fiber. As a result, a temporary and slight abdominal discomfort may develop, though this soon disappears. This is a positive sign that your digestive system is becoming healthier." [Exhibit F] [emphasis in original]
8. "Take Fibre Trim to ensure a well-balanced, fiber-rich diet, and feel good knowing you're doing something good for yourself." [Exhibit F]
9. "Slims you the natural way - while providing fiber's healthful benefits." [Exhibit B]
10. "Fibre Trim was developed by scientists in Scandinavia and has been tested and enthusiastically received by consumers." [Exhibit A]
11. "It's proven: Fibre Trim has successfully helped European women lose weight and keep it off." [Exhibit D]
12. "A PROVEN, NATURAL WAY TO LOSE WEIGHT" [Exhibit C]
13. "It's sensible: it makes you feel satisfied with less food." [Exhibit D]
14. "Because fiber creates a pleasant feeling of fullness, you'll be satisfied with smaller portions, which means you'll be reducing your calorie intake." [Exhibit A]
15. "Fibre Trim also helps stave off hunger pangs between meals, and keeps those midnight binges at bay." [Exhibit E]
16. "You can even use it for maintenance, to keep those extra pounds from creeping back on again. [Exhibit E]

PAR. 6. Through the use of the statements referred to in paragraph five and others in advertisements and promotional materials not specifically set forth herein, respondent has represented, directly or by implication, that:

1. Fibre Trim is a high fiber supplement.
2. The recommended daily dosage of Fibre Trim provides most of a person's daily requirements of dietary fiber.

3. The recommended dosage of Fibre Trim provides about 2.35 grams of dietary fiber per serving or about seven grams of dietary fiber per day.

PAR. 7. In truth and in fact:

1. Fibre Trim is not a high fiber supplement.
2. The recommended daily dosage of Fibre Trim does not provide most of a person's daily requirements of dietary fiber.
3. The recommended dosage of Fibre Trim does not provide about 2.35 grams of dietary fiber per serving or about seven grams of dietary fiber per day.

Therefore, the representations set forth in paragraph six were, and are, false and misleading.

PAR. 8. Through the use of the statements and representations referred to in paragraphs five and six, and others not specifically set forth herein, respondent has represented, directly or by implication, that at the time it made said representations, respondent possessed and relied upon a reasonable basis for such representations.

PAR. 9. In truth and in fact, at the time respondent made said representations, respondent did not possess and rely upon a reasonable basis for such representations. Therefore, the representation set forth in paragraph eight was, and is, false and misleading.

PAR. 10. Through the use of the statements referred to in paragraph five, and others in advertisements or promotional materials not specifically set forth herein, respondent has represented, directly or by implication, that:

1. Fibre Trim is an effective appetite suppressant, weight loss, weight control or weight maintenance product; and
2. Fibre Trim provides the health benefits associated with a fiber-rich diet or a high intake of dietary fiber from food.

PAR. 11. Through the use of the statements and representations referred to in paragraphs five and ten, and others not specifically set forth herein, respondent has represented, directly or by implication, that at the time it made said representations, respondent possessed and relied upon a reasonable basis for such representations.

PAR. 12. In truth and in fact, at the time respondent made said representations, respondent did not possess and rely upon a reasonable basis for such representations. Therefore, the representation set forth in paragraph eleven was, and is, false and misleading.

PAR. 13. The acts and practices of respondent as alleged in this complaint constitute unfair or deceptive acts or practices in or affecting commerce in violation of Sections 5(a) and 12 of the Federal Trade Commission Act.

Chairman Steiger recused.

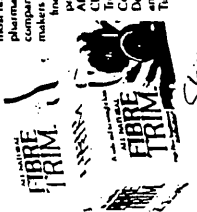
EXHIBIT A

Safe, sensible weight loss with Fibre Trim

Some diet aids contain drugs that can have harmful side effects. Fibre Trim is all natural. There are no artificial colors, flavors or additives. Fibre Trim contains no salt, caffeine, added sugars or starches. And no drugs.

Fibre Trim was developed by scientists in Canada and is the only natural weight loss product that has been scientifically proven to help millions of people lose weight and keep it off. Now Fibre Trim is available in the U.S. from Schering Corporation, one of America's most respected pharmaceutical companies.

Marketers of such products as Amiflo, Chlo, Citronex, Concedin, Divalin, and Fluocin.



Safe, sensible weight loss with Fibre Trim

about fiber and your diet

Most likely, you're already talking about fiber. What you don't know is that most fiber supplements are made from synthetic materials and are not good for you. The best source of fiber is found in whole grains that contain the bran. The term, "dietary fiber" describes several different kinds of fibers found in plant foods. When you eat fiber, it forms bulk in the digestive system by absorbing water.

What is fiber?

Fiber is the part of plant foods that cannot be digested by the body. The term, "dietary fiber" describes several different kinds of fibers found in plant foods. When you eat fiber, it forms bulk in the digestive system by absorbing water.

How can fiber help you lose weight and keep it off?

Because of its bulk-forming properties, fiber is generally more filling than food that contains less fiber. Eating a fiber-rich diet keeps you feeling satisfied so you are less likely to overeat. And fiber-rich diets will make you feel satisfied longer, helping you reduce between-meal snacking.

Good sources of fiber

All plant foods contain dietary fiber. The amount of fiber in a food is determined when the whole plant is processed. Whole grains, such as whole wheat, rye, barley, and oats, are good sources of fiber. There are other fiber-rich foods:

Cereals	Fruits	Vegetables
cornmeal	apples	asparagus
oatmeal	bananas	beans (black)
popcorn (oil-free)	berries	broccoli
wheat	blackberries	brussels sprouts
	blueberries	cauliflower
	cherries	celery
	grapes	corn
	raisins	cucumbers
	peaches	eggplant
	pears	garlic
	peaches (dried)	green beans
	plums	green peas
	plums (dried)	potatoes
	prunes	potatoes (skin-on)
	prunes (dried)	spinach
	raspberries	spinach
	strawberries	spinach

One of the best sources of dietary fiber, "dietary fiber" is the soluble portion of the plant cell wall that is not digested in the small intestine. Fibre Trim contains concentrated plant fiber.

Exhibit A Page 1

SCHERING CORPORATION

Complaint


EXHIBIT A

Fiber every day—good health

Over the years you've watched your weight tick the scale. It's a part of life. But what if you could take control of those numbers? The answer is simple: Fiber. It's the natural element in your diet that helps you feel full and satisfied. Fiber from all natural sources like bran, wheat, and oatmeal. Fiber from all natural sources like bran, wheat, and oatmeal. Fiber from all natural sources like bran, wheat, and oatmeal.

Other benefits of fiber

It's healthy and it's safe. Fiber from all natural sources like bran, wheat, and oatmeal. Fiber from all natural sources like bran, wheat, and oatmeal.



Diet and exercise

In order to lose weight, you must eat less and exercise more. But what if you could take control of those numbers? The answer is simple: Fiber. It's the natural element in your diet that helps you feel full and satisfied. Fiber from all natural sources like bran, wheat, and oatmeal.



Calories burned for 30 minutes of activity*

Activity	120 lbs	140 lbs	160 lbs	180 lbs	200 lbs
Walking	220	240	260	280	300
Swimming (medium)	240	260	280	300	320
Swimming (fast)	260	280	300	320	340
Swimming (very fast)	280	300	320	340	360
Light housework	200	220	240	260	280
Housework (medium)	220	240	260	280	300
Housework (fast)	240	260	280	300	320
Light tennis	260	280	300	320	340
Tennis (medium)	280	300	320	340	360
Tennis (fast)	300	320	340	360	380

Weight progress chart

Fill in your weight goals and record your progress on this chart.


Month	Weight
May	_____
June	_____
July	_____
August	_____
September	_____
October	_____
November	_____
December	_____

Making fiber a part of your weight loss plan

Fiber is the natural element in your diet that helps you feel full and satisfied. Fiber from all natural sources like bran, wheat, and oatmeal. Fiber from all natural sources like bran, wheat, and oatmeal.

Fiber every day—good health

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October	_____
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Fiber is the natural element in your diet that helps you feel full and satisfied. Fiber from all natural sources like bran, wheat, and oatmeal. Fiber from all natural sources like bran, wheat, and oatmeal.

EXHIBIT B

The Fine Art of Slimming
is Brought to You from
Europe. Naturally.

All-Natural
**FIBRE
TRIM.**

- The original from Europe.
- A safe, sensible aid to long-lasting weight loss.
- Slims you the natural way —while providing fiber's healthful benefits.



Now, Save 50¢ on
Fibre Trim.

The European Way to Slim.
For Good.

50¢ Off

All-Natural
**FIBRE
TRIM**
106 730



Save 50¢ on Fibre Trim
now with this coupon.

TO THE DEALER: This coupon will be redeemed only as follows: For amount specified plus 25¢ for handling, guaranteed satisfaction is required. Store equivalent to purchase of listed merchandise. Proof of purchase of sufficient stock of merchandise to cover coupons not cashed must be shown on request. (Picture on coupon may vary at various locations for redistribution.) Redeemable for purchase through dealers or other outside agencies. Coupons are non-transferable, and void if cut in duplicate, folded, perforated, or altered in any way. (Customer must use all four sides. Cash redemption must be 100% (no intermediate cash or other merchandise).) See 106 730. Coupon good 4/27/87-4/30/87. Offer good only in U.S.A. Limit one per Fibre Trim. See other side of coupon for details. Offer good only for the Fibre Trim brand. © 1987 Fibre Trim, Inc. Expires 4/30/87.



50¢ Off

50¢ Off

EXHIBIT C



HOW FIBRE TRIM® GAVE NEW STRENGTH TO THE FRENCH RESISTANCE.

It's never easy to say "no" to food. Especially in a country totally obsessed with it. Small wonder the French flocked to Fibre Trim: It's a thoroughly natural way to help you fight hunger, and lose weight. A way that works.

When you're not feeling hungry all the time, you can find the strength to say "no" to crêpes, and croissants, and even chocolate-laden éclairs.

In France, they embraced it. In fact, Fibre Trim is so successful, it's Europe's number one diet aid. Now, it is here.

A PROVEN, NATURAL WAY TO LOSE WEIGHT

Fibre Trim is natural food fiber. But all fiber is not alike.

Fibre Trim is created from different types of grain and citrus fiber, in a unique blend designed to help you lose weight.



Taken before meals, Fibre Trim helps you eat less without constantly feeling hungry. It can even help you cope with snacking.

WIN THE DAILY BATTLES, AND THE WAR

Fibre Trim isn't magic. But it's help in a sane, gradual approach to weight loss. Follow the Fibre Trim plan, move around more, and be patient. You may not lose 10 pounds by Thursday, but you'll likely see lasting results.

Since Fibre Trim is simply natural fiber, it can become a sensible way of life—even after you reach your goal. It's the healthy way to stay trim for good.

Take a cue from the food-loving French, and boost your willpower with a little help from Fibre Trim. Vive la resistance!

THE EUROPEAN WAY TO SLIM. FOR GOOD.

LADIES FIRST Journal 7/86

Complaint

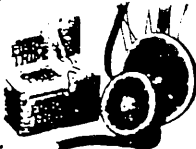
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EXHIBIT D

NEW! ALL-NATURAL FIBRE TRIM!

TO THE DEALER: This coupon will entitle you to a \$100 rebate. For rebate (specified price of \$100), provided coupon is received from customer (or purchaser of local merchandise). Proof of purchase of multiple units of merchandise is **not** required. **Some restrictions must be shown on request.** If sales to company may result in duplicate submissions for redemption, Fibre Trim will honor only through brokers or other outside agencies. Coupons are non-transferable, and void if not in proper order. **Limit, restricted, or terms or conditions. Customer must pay all sales tax. Cash redemption value: 1/2004. For redemption must be in home country. Fax, P.O. Box 4074, Chicago, Illinois 60674. Offer good only in U.S.A. Good only on FIBRE TRIM. Any other use constitutes fraud. Limit One coupon per purchase. Expiration: Expires September 15, 1996.**

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Save \$100 now with this coupon.
Save an additional \$100. See package for details.

\$100 Off

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Try new Fibre Trim and save!

Europe's #1 diet product is finally here.

It's proven: Fibre Trim has successfully helped European women keep their weight and keep it off.

It's sensible: it makes you feel satisfied with less food.

It's all-natural: made from concentrated grain and citrus fiber. No drug side-effects.

It's unique: made from an exclusive European formula.

It's Fibre Trim: The safe, sensible all-natural aid to weight loss.



EXHIBIT E

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Page 1

HOW FIBRE TRIM™ CHANGED THE SHAPE OF EUROPE.



It didn't happen overnight.

But gradually
Europe has taken on
sleeker new proportions.

Throughout Europe, thousands have been losing weight—and keeping it off—with the help of an intriguing product called Fibre Trim.

It's a thoroughly natural weight loss product. A product so successful for over 5 years, it's the number one diet aid in Europe.

Now, Fibre Trim is here in America.

A UNIQUE BLEND OF FIBERS PROVEN IN EUROPE

Fibre Trim contains no drugs of any kind. It's simply a unique combination of natural source fibers specifically balanced to help you eat less, and lose weight.

All fiber is not alike. Fibre Trim contains a blend of four different fibers from grain and

citrus. A blend proven successful all over Europe. A blend that works.

And Fibre Trim even offers you all of fiber's wonderful health benefits as well.

TRIUMPH OVER HUNGER PANGS

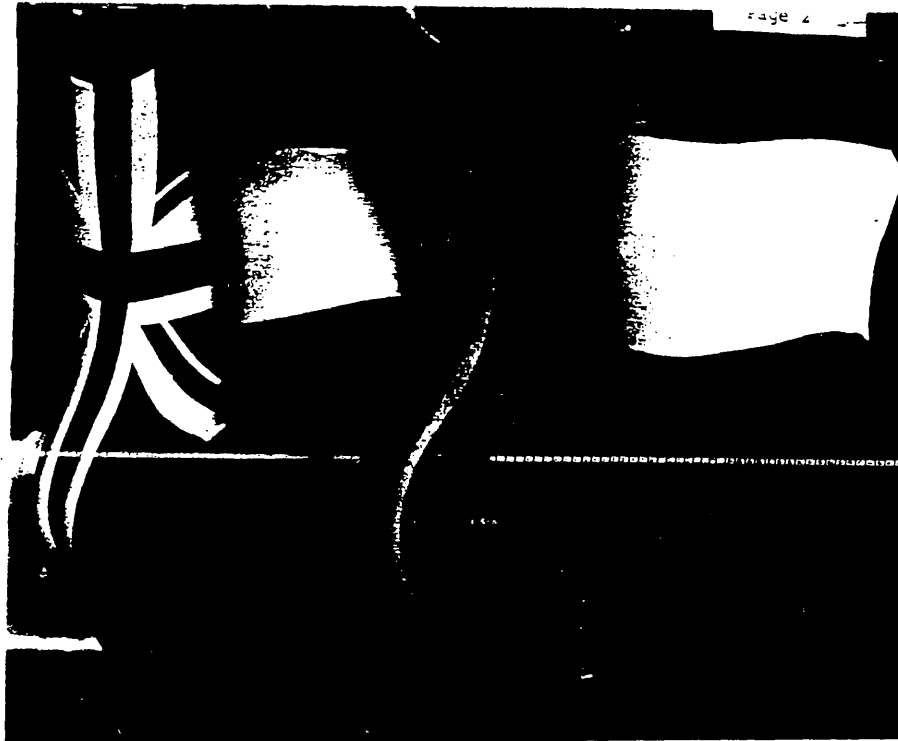
Taken with water before meals, Fibre Trim gives you a pleasant feeling of fullness. So you can still eat normally, but eat less without feeling starved. Fibre Trim also helps stave off hunger pangs between meals, and keeps those midnight binges at bay.

With Fibre Trim, you're fighting hunger without interfering with your body. Because there are no drugs, there are no drug side effects either.

GRADUALLY IS THE WAY TO LOSE WEIGHT PERMANENTLY

Fibre Trim is for those who are serious

EXHIBIT E



about their bodies. People who are smart enough to realize that the results of fad diets almost inevitably evaporate. People with sense enough to know there's just no magical way to lose weight.

You're far more sure of losing weight and keeping it off when you go about it sensibly, and take your time.

That's the Fibre Trim way. A very rational plan designed specifically for gradual weight loss.

SENSIBLE, SO SENSIBLE

Since Fibre Trim offers a safe, natural way to lose weight, it's a program you can live with until you banish

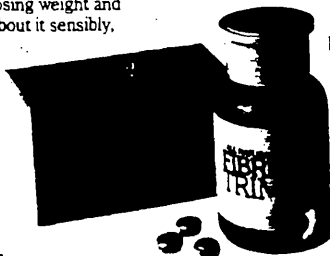
every extra pound. You can even use it for maintenance, to keep those extra pounds from creeping back on again.

But face it. You can't eat cheesecake for breakfast, lunch and dinner and lose weight.

Every dieter knows the basics. Eat right, eat less, and move around more. It's not easy, but Fibre Trim will surely help make it easier.

Because for once, there's a perfectly natural way to lose weight. And keep it off.

Get ready, America. With Fibre Trim, your shape will be changing, too.



THE EUROPEAN WAY TO SLIM. FOR GOOD.

EXHIBIT F

EXHIBIT F
Page 1

FIBRE TRIM.

YOUR ALL-NATURAL AND SAFE AID TO WEIGHT LOSS

Choosing Fibre Trim to help you lose weight is a sensible decision. After all, it's the #1 diet product in Europe and Canada. Losing excess weight can help you look better, feel better and may contribute to your overall health as well. Fibre Trim is designed to help you lose weight and keep it off—safely, sensibly and without drugs.

What is Fibre Trim?

- Fibre Trim is an all-natural product, specially developed for weight loss. Through a unique process, concentrated dietary fiber from grain and citrus fruits is compressed into easy-to-take FibreTabs.
- Fibre Trim contains no added sugars or starches, no artificial color or flavor, and no chemical preservatives. It's sodium-free and caffeine-free. And there's only one calorie per FibreTab.
- Fibre Trim contains no drugs of any kind, so you don't have to worry about drug-related side effects commonly associated with many other weight loss products.



How Fibre Trim Helps You Lose Weight and Keep It Off

- Fibre Trim helps you improve your eating patterns. Its concentrated fiber lets you enjoy the good foods you like, while feeling satisfied with smaller portions. And because Fibre Trim makes you feel satisfied longer, it takes the edge off hunger, helping you reduce between-meal snacking.
- Fibre Trim is your partner—a helper—that makes it easier to stay with your weight loss program because it keeps you satisfied.
- Fibre Trim works naturally, so it works gradually. People who lose weight gradually tend to keep it off. And for assistance in maintaining your ideal weight, Fibre Trim can help. Because it's safe and natural, you can take it as long as you like.



Fibre Trim—A Healthy Addition to Your Daily Routine

More and more Americans are recognizing the importance of eating right, exercising and keeping fit. We know that when we feel better we look better, and we enjoy life more.

- Results of medical studies indicate that the average person can benefit from increasing the amount of fiber in his or her diet. Fiber-rich diets

have been linked to promoting healthier digestive systems.

- Typical American diets consist largely of processed foods—foods low in fiber. Even though we need more fiber in our diets, it's difficult to consume enough fiber without a lot of extra calories. Fibre Trim is a superior source of dietary fiber. No other food contains as much fiber with so few calories.
- So use Fibre Trim as a daily dietary fiber supplement. Make it as regular a part of your daily routine as brushing your teeth.

Being fit is a new way of life. Avoiding overweight, getting more exercise and including more fiber in your diet are just a few of the steps you can take to better health. Fibre Trim is a natural answer.

How To Use Fibre Trim

Take five FibreTabs with a large (8 oz.) glass of water three times daily, 15 to 30 minutes before each meal. You'll feel satisfied while eating less.

Once you've reached your weight goal, take two or three FibreTabs before mealtime to help maintain your desired weight and to benefit from the healthier fiber level that Fibre Trim provides.

Should you feel hungry between meals, take two to three additional FibreTabs with a large (8 oz.) glass of water. Since Fibre Trim is a safe, natural food fiber product, you can continue to take it as long as you like.

Note: It is important to use Fibre Trim as recommended with plenty of water over a period of several weeks to achieve the desired long-term effects. Remember, gradual weight loss tends to be long-lasting weight loss.

If your diet has been low in fiber, you may take a few days to adjust to the healthier level of dietary fiber. As a result, a temporary and slight abdominal discomfort may develop, though this soon disappears. This is a positive sign that your digestive system is becoming healthier. Should you experience discomfort, take 3 FibreTabs before each meal for the first few days while your system adjusts to the new fiber level of your diet. Then increase to the usual 5.

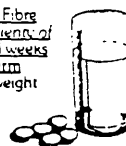


EXHIBIT F

FIBRE TRIM'S FOUR STEPS TO SLIMNESS

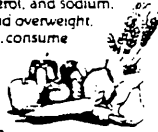
 EXHIBIT F
Page 2

Follow these four steps to a slimmer figure and healthy weight control.

1. Think Thin— Eat Smart!

Think before you eat. The U.S. Dietary Guidelines recommend that Americans eat less sugar, fat, cholesterol, and sodium, and **MORE FIBER** to avoid overweight.

So, eat smaller portions, consume fewer high calorie drinks, and increase your fiber intake.



2. Be More Active— Get More Exercise!

This doesn't mean you have to train for a marathon. Any activity—whether walking, running, swimming or cycling—is good for you, makes you feel good and promotes weight control. Be more active and watch the results!



3. Be Good to Yourself— Use Fibre Trim Every Day!

Make Fibre Trim a part of your healthier lifestyle. Take Fibre Trim to ensure a well-balanced, fiber-rich diet, and feel good knowing you're doing something good for yourself.



4. Keep Your Chin Up and Watch Your Weight Go Down!

Don't give up, don't stop! Keep at it and remember gradual weight loss is healthy weight loss.

Your Fibre Trim Weight-Loss Progress Chart

Fill in your weight goal and record your progress on this handy chart. And remember, it's important to use Fibre Trim as recommended on a daily basis to achieve the desired long-term effects.

	Date	Pounds
My Weight Now		
My Weight Goal		
My Progress	Date	Weight
2 weeks		
3 weeks		
4 weeks		
5 weeks		
6 weeks		
7 weeks		
8 weeks		

Don't Forget: Fibre Trim as suggested three times a day—every day!

Ingredients: Natural fiber from grain and citrus fruit, whey protein concentrate (non-nutritive dietary fiber: 44%). Manufactured in Denmark for Schering Corporation.

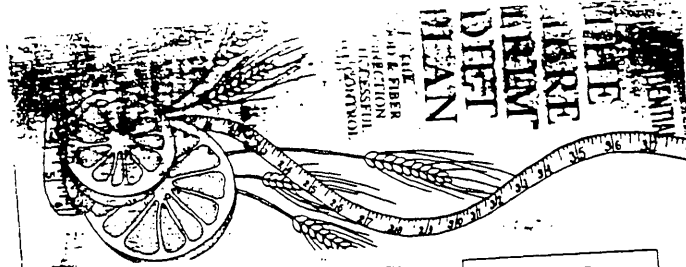
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Nutritional Information: Serving size: 5 tablets. Calories per serving: 5 (1 per FibreTab). Protein: less than 1 gram. Carbohydrate: less than 1 gram. Fat: less than 1 gram. Sodium-free. Contains less than 2% of the U.S. RDA of protein, vitamin A, vitamin C, thiamin, riboflavin, niacin, calcium and iron.

As with any diet plan, consult a health professional before starting your diet.

Complaint

EXHIBIT G



INTRODUCTION

By Andrew L. Stone, Ph.D.
Fiber weight can be difficult and distressing to understand. This booklet explains why...

YOUR WAY TO SAFE, SENSIBLE WEIGHT LOSS

Are you aware that most of every kind of American wool sweater is made from the same kind of wool? The wool is the same, but the way it is processed is different...

THE FIBER CONNECTION

Some people are reading this booklet and thinking, "I don't know much about wool." Well, you don't need to know much about wool to know that it's the fiber that makes the difference between a good sweater and a bad one...

WHAT IS DIETARY FIBER?

Although fiber is not a nutrient, it is a very important part of everyone's diet. Dietary fiber is the part of plant products that the body cannot digest...

enough fiber in their diets. They're fiber is a part of every grain, fruit, vegetable, and nut. It's also found in many other foods...

ARE THERE DIFFERENT TYPES OF FIBER?

There are two basic types of dietary fiber: soluble and insoluble. Soluble fiber is found in fruits, vegetables, and grains. Insoluble fiber is found in wheat bran, nuts, and seeds...

HOW DOES FIBER HELP WITH WEIGHT LOSS?

Fiber helps with weight loss in several ways. It slows down the digestion of food, which helps you feel full longer. It also helps to regulate blood sugar levels...

HOW CAN YOU GET MORE DIETARY FIBER?

There are many ways to increase your dietary fiber intake. Eat more fruits, vegetables, and whole grains. Add fiber supplements to your diet if necessary...

WHAT ARE THE BENEFITS OF DIETARY FIBER?

Dietary fiber has many health benefits. It can help prevent heart disease, diabetes, and certain types of cancer. It also helps to improve your digestive health...

For the skin and maintenance of cholesterol level and regulation, such as appetite, for better prevention of heart disease and cancer.

FIBER TRIM - YOUR ALL-NATURAL AND SAFE AID TO WEIGHT LOSS

Increasing the amount of fiber in your diet can help you lose weight safely and naturally. Fiber trim is a natural and safe way to do this...

WHAT IS FIBER TRIM?

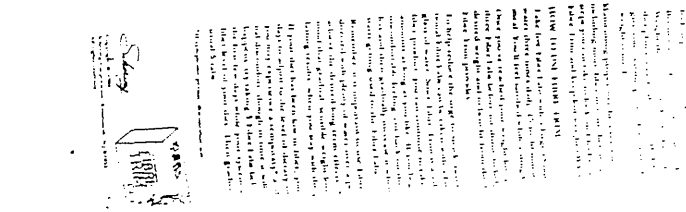
Fiber trim is a natural and safe way to increase your dietary fiber intake. It is made from natural fibers and is easy to use...

HOW DOES FIBER TRIM HELP YOU LOSE WEIGHT?

Fiber trim helps you lose weight by slowing down the digestion of food. This helps you feel full longer and eat less...

HOW FIBER TRIM HELPS YOU WIN AT LOSING

The special blend of fibers in Fiber Trim helps you lose weight safely and naturally. It is a natural and safe way to do this...



Complaint

118 F.T.C.

EXHIBIT G

GETTING STARTED ON THE FIBRE TRIM DIET PLAN

STEP 1: DETERMINE YOUR DESIRABLE WEIGHT

There are several scientific ways to find your ideal weight... weight charts, and more. But you need to go to extremes to find out if you need to shed a few pounds...

STEP 2: SET A REALISTIC WEIGHT LOSS GOAL

To lose weight you need a positive state of mind and a commitment to your goal... Reaching your ideal weight means balancing what you eat against what your body uses for energy...

STEP 3: START A REGULAR ACTIVITY PROGRAM

Adding exercise to your daily routine not only helps you burn calories faster, but makes you feel better and feel better about yourself... You don't have to go to extremes when exercising...

STEP 4: START THE FIBRE TRIM DIET

The Fibre Trim Diet provides 1,200 calories and about 30 to 40 grams of dietary fiber daily... The calorie level is the level at which most women are able to lose weight healthfully...

Choose the level that is most comfortable for you... 1,200 calories means you consume a particular diet which is severely restricted in calories...

Table for DAY 1 showing meal breakdown: BREAKFAST (Eggs, Bacon, Toast), LUNCH (Fibre Trim Diet Table, Fruit, Yogurt), DINNER (Fibre Trim Diet Table, Meat, Vegetables, Fruit). Total: 1180 21.8

Table for DAY 2 showing meal breakdown: BREAKFAST (Fibre Trim Diet Table, Fruit, Yogurt), LUNCH (Fibre Trim Diet Table, Fruit, Yogurt), DINNER (Fibre Trim Diet Table, Meat, Vegetables, Fruit). Total: 1260 21.2

Table for DAY 3 showing meal breakdown: BREAKFAST (Fibre Trim Diet Table, Fruit, Yogurt), LUNCH (Fibre Trim Diet Table, Fruit, Yogurt), DINNER (Fibre Trim Diet Table, Meat, Vegetables, Fruit). Total: 1260 21.2

FIBRE TRIM DIET 7-DAY MENU PLAN

The Fibre Trim Diet, based on the nutritional needs of the average healthy adult, provides 1,200 calories. These are 1,500 calories consumed without any additional serving of milk, fruit and raw nuts or bread.

TIPS FOR SUCCESS

- 1. Increase your fluid intake by drinking a glass of water... 2. Weigh down the correspondence under which a you... 3. Record your weight before you start and keep your progress up to date with a weight-loss log record.

Table for DAY 4 showing meal breakdown: BREAKFAST (Fibre Trim Diet Table, Fruit, Yogurt), LUNCH (Fibre Trim Diet Table, Fruit, Yogurt), DINNER (Fibre Trim Diet Table, Meat, Vegetables, Fruit). Total: 1270 21.9

Table for DAY 5 showing meal breakdown: BREAKFAST (Fibre Trim Diet Table, Fruit, Yogurt), LUNCH (Fibre Trim Diet Table, Fruit, Yogurt), DINNER (Fibre Trim Diet Table, Meat, Vegetables, Fruit). Total: 1260 21.2

Table for DAY 6 showing meal breakdown: BREAKFAST (Fibre Trim Diet Table, Fruit, Yogurt), LUNCH (Fibre Trim Diet Table, Fruit, Yogurt), DINNER (Fibre Trim Diet Table, Meat, Vegetables, Fruit). Total: 1260 21.2

Table for DAY 7 showing meal breakdown: BREAKFAST (Fibre Trim Diet Table, Fruit, Yogurt), LUNCH (Fibre Trim Diet Table, Fruit, Yogurt), DINNER (Fibre Trim Diet Table, Meat, Vegetables, Fruit). Total: 1260 21.2

EXHIBIT H

Healthy Reasons to Take FIBRE TRIM.[®]

Taken with water before meals, Fibre Trim helps you feel pleasantly full. So you can enjoy the foods you like yet be satisfied with eating less. Fibre Trim can also help to curb that between-meal urge to snack.

How is Fibre Trim Different?

All fiber products are not alike. Developed in Scandinavia, Fibre Trim is a unique blend of four different fibers. A blend that works.

Fibre Trim Offers a Choice.

Watching your weight may mean cutting back on foods rich in bone-building calcium.

So we also offer Fibre Trim with Calcium. It's just like regular Fibre Trim, but provides 600 mg of calcium in one day's supply.

Fibre Trim Makes Sense for Everyone.

Medical studies have shown that fiber is important to everyone's health, whether or not you're dieting. And few foods contain as much fiber with so few calories as Fibre Trim.

Watching your weight, getting more exercise and including more fiber in your diet are important to good health. Make Fibre Trim or Fibre Trim with Calcium a part of your healthy lifestyle.



INITIAL DECISION

BY LEWIS F. PARKER, ADMINISTRATIVE LAW JUDGE
SEPTEMBER 16, 1991

I. INTRODUCTION

The Commission issued its complaint in this proceeding on September 22, 1989, charging that respondent Schering Corporation ("Schering") violated Sections 5(a) and 12 of the Federal Trade Commission Act by representing, directly or by implication, that, at the time it made certain claims for its product Fibre Trim, it possessed and relied upon a reasonable basis for such claims, when, in fact, it did not.

The complaint charges in paragraph six, subparagraphs 1, 2, and 3, that Schering, through advertisements and promotional materials, represented, directly or by implication, that:

1. Fibre Trim is a high fiber supplement;
2. The recommended daily dosage of Fibre Trim provides most of a person's daily requirements of dietary fiber;
3. The recommended daily dosage of Fibre Trim provides about 2.35 grams of dietary fiber per serving or about seven grams of dietary fiber per day (Cplt, paragraph 6);¹

The complaint charges, in paragraph ten, subparagraphs 1 and 2, that Schering represented that:

1. Fibre Trim is an effective appetite suppressant, weight loss, weight control or weight maintenance product; and
2. Fibre Trim provides the health benefits associated with a fiber-rich diet or a high intake of dietary fiber from food (Cplt, paragraph 10).

¹ The following abbreviations are used in this opinion:

Cplt:	Complaint
Ans.:	Answer
CX:	Commission Exhibit
RX:	Respondent's Exhibit
Tr.:	Transcript
F.:	Finding of Fact
CPF:	Complaint Counsel's Proposed Findings
RPF:	Respondent's Proposed Findings

The complaint charges that since Schering did not possess and rely upon a reasonable basis for the alleged claims, Schering's claims were false and misleading.

Schering's answer admitted the allegations contained in subparagraphs 1 and 3 of paragraph six of the complaint. It also admitted the allegations contained in subparagraph 1 of paragraph ten of the complaint, but denied that it represented Fibre Trim to be an effective appetite suppressant (Ans., paragraphs 6 and 10).

Schering denied the other allegations of paragraphs six and ten.

After extensive discovery, trial was held from January 22, 1991, to March 28, 1991. The parties called several expert witnesses. Those testifying for the Commission were:

Dr. Terence Shimp, a professor of marketing, University of South Carolina (Tr. 52), is an expert in consumer information processing and in judging the likelihood that advertising will leave consumers with particular impressions (Tr. 71).

Dr. Alan Levy, head of the consumer research staff of the Center for Food Safety and Applied Nutrition, Food and Drug Administration (Tr. 188), is a social psychologist and an expert in environmental research methods and health behavior, including consumer awareness of diet and disease relationships (Tr. 189, 199).

Dr. Jon Story, a professor of nutritional physiology, Department of Food and Nutrition, Purdue University, is an expert in nutrition and physiology, particularly in the areas of diets, effects on cholesterol, bile and metabolism, and the effects of dietary fiber (Tr. 472).

Dr. Harry Kissileff, Associate Professor of Clinical Psychology, Department of Psychiatry and Medicine, Columbia University College of Physicians and Surgeons (Tr. 658), is an expert in human eating behavior and its physiological and psychological controls (Tr. 670).

Dr. Alan Levine, Deputy Associate Chief of Staff for Research, Minneapolis Veterans Administration Medical Center (Tr. 748), is an expert in body weight regulation, including the regulation of food intake and energy expenditure (Tr. 759).

Dr. David Levitsky, professor of nutrition and psychology, Cornell University (Tr. 881), is an expert in the control of food intake and body weight, human obesity, statistics and the design of clinical trials (Tr. 911).

Dr. Elaine Lanza, a nutritionist with the National Cancer Institute, National Institute of Health (Tr. 1180), is an expert in nutrition, cancer, the physiological effects of dietary fiber, and the conduct and review of clinical trials involving nutrition intervention, including dietary fiber (Tr. 1209-10).

The following experts testified for Schering:

Elizabeth Fazio, of VOPAN Marketing Research Corporation (Tr. 1794), is an expert in marketing and advertising research (Tr. 1809).

David M. Kweskin, Senior Vice President, Client Services, Ross-Cooper Associates (Tr. 1860-62), is an expert in the design, execution and analysis of consumer research studies, including what messages an advertisement communicates to consumers, the evaluation of products and marketing concepts, and consumers' needs (Tr. 1866-68).

David A. Leury, Vice President and Senior Methodologist, Total Research Corp. (Tr. 1906-07), is an expert in market research (Tr. 1924).

Dr. David Stewart, a professor of marketing, University of Southern California (Tr. 2031), is an expert in advertising, marketing and consumer responses to advertising (Tr. 2039).

Dr. Evelyn Albu, a former Director of Medical Marketing for Schering (Tr. 2176), is an expert in the analysis of medical and scientific literature and the analysis of clinical studies (Tr. 2187).

Dr. Domenic Iezzoni, Director of Medical Services for Schering (Tr. 2393), is an expert in the analysis of the medical validity of reports of clinical trials (Tr. 2405).

Dr. Frank Hurley, a biostatistician and President of Biometric Research Institute (Tr. 2566-67), is an expert in biostatistics, the design, analysis, coordination and management of clinical trials, and Food and Drug Administration requirements for such trials (Tr. 2586).

Dr. Nelson Schimmel, a self-employed consultant and a former Vice President of Regulatory Affairs for Schering (Tr. 2779, 2784), is an expert in the evaluation of scientific and medical literature and clinical trials (Tr. 2787).

Dr. Stig Larsen, a statistician and the President of MEDSTAT, a company which does statistical analyses in epidemiology studies and clinical trials (Tr. 2900-03), is an expert in mathematics, medical statistics, and the statistical evaluation of clinical trials (Tr. 2918).

